

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MARLIN MCCULLER,

Petitioner(s),

vs.

WARDEN, CHILLICOTHE CORRECTIONAL
INSTITUTION,

Respondent(s).

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Case Number: 1:08cv371

District Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Timothy S. Hogan filed on July 18, 2008 (Doc. 4), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired August 7, 2008, hereby ADOPTS said Report and Recommendation.

Accordingly, this matter is **DISMISSED** for lack of prosecution for failure to comply with a Court order.

IT IS SO ORDERED.

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s/Susan J. Dlott

Susan J. Dlott
United States District Judge